

Series 1952
Divisional Order #319
June 10th, 1952

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: LOCAL BOARDS AND ZONE OFFICES
SUBJECT: PROXIMITY TO SCHOOLS AND PLACES OF WORSHIP

The Members of the Authority at their Meeting on May 13th, 1952 adopted the following policy:

It is the sense of the Board that in all cases henceforth involving the interpretation of Section 64, Subdivision 7; and Section 105, Subdivision 3 of the Alcoholic Beverage Control Law, which prohibit the licensing of premises within two hundred feet of schools, churches, synagogues and other places of worship, the discretion of the Authority shall be exercised in such a manner as to give the fullest scope of protection of the law to such educational institutions, churches and other places of worship, and that every reasonable doubt be resolved in favor of the religious or educational institution involved.

In the exercise of its discretion under the law, the requirement that the building be "occupied exclusively" as a school, church, synagogue or other place of worship shall be interpreted to afford the fullest protection of the law to those institutions in which activities of a non-educational or non-religious nature are present so long as those activities bear a logical relationship to the educational or religious purpose of the institution, and are fairly to be considered subsidiary to its main purpose.

(MORE)

In connection with the exercise of discretion by the Authority in acting on applications for beer licenses, proximity shall be construed to mean a distance of two hundred feet in the manner of measurement defined by the Legislature in Section 64, Subdivision 7 of the Alcoholic Beverage Control Law, the only exception to which are those premises for which a grocery store beer ("A") license is sought.

The foregoing expression of policy by the Members of the State Liquor Authority is directed to the attention of all Local Alcoholic Beverage Control Boards for their information.

STATE LIQUOR AUTHORITY

A handwritten signature in cursive script, reading "John F. O'Connell". The signature is written in dark ink and is positioned above the printed name and title.

John F. O'Connell
Chairman